

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13162 OF 2015
IN FAST/16018/2014

DINKAR VENKATRAO KENDRE
VERSUS
NATIONAL INSURANCE CO. LTD, AURANGABAD AND OTHERS

...
Advocate for Applicant : Mr. Thombre S. S.
Advocate for Respondent No.1 : Mr. H.A. Patankar
.....

CORAM : V. K. JADHAV, J.
DATED : 1st APRIL, 2016

PER COURT:-

1. Heard learned counsel for the applicant and the learned counsel appearing for the respondent insurer.
2. Learned counsel for the respondent-insurer submits that even though the claimant has admitted in his cross examination before the tribunal that even after the accident, he is getting Rs.50,000.00/ Rs.60,000.00 per year by servicing machines, the tribunal has awarded compensation by considering the loss of total income.
3. Learned counsel for the applicant submits that the Tribunal has considered the earning of claimant even after accident and by deducting the same, considered actual loss of future income.

4. In view of the above submission, the applicant original claimant is permitted to withdraw the amount to the extent of 75% of the amount deposited before this court on condition of furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. Remaining 25% of the amount shall be kept in fixed deposit in any nationalized bank initially for a period of three years. The fixed deposit shall renew thereafter from time to time.

5. Civil application is disposed of.

(V. K. JADHAV, J.)

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